(2)

Single Bench (4)

D5IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

M.A. (C) No 152 /2007

APPELLANT : Ku. Sunita, aged about 9 yrs (Present 25 years) D/o. Beniram, Minor Through Father Beniram, S/o. Kalika Prasad, aged about 38 years, resident of Village- Biswa, Tahsil and District Bilaspur (C.G.)

Claimant

P.R. No. 24/1/07
Presented by Shri Rakesh Sahu
dated 24/1/07

VERSUS

RESPONDENTS:

1. Amolak Singh, aged about 40 Years, son of Harwansh Singh, Resident of Dayalband, Bilaspur (C.G.)

2. Khorbahara @ Kholbahara, son of Guharam Yadav, Resident of Sakin Jokhas, Bilaspur.

3. Oriental Insurance Company, Through Competent Officer, Normal School Road, Bilaspur (At present High Court Road)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(15)

मामला क्रमांक M.A.(C) No.152/ **सन् 2007**

आदेश पत्रक (पूर्वानुबंध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

12-02-2007

Shri Gautam Khetrapal, Counsel for the appellant.

Heard on admission.

The appellant is aggrieved by an award dated 28-10-2006 passed by the I[st] Additional Motor Accident Claims Tribunal, C.G. in Claim Case No.25/1993 whereby compensation of Rs.1,24,000/- (One lac & twenty four thousand only) along with interest @ 10% from the date of application was awarded to the claimant.

Brief facts are that the appellant-claimant Ku. Sunita had sustained fracture in the tibia fibula bone of the left leg and also sustained injury in the 04[th] toe. Dr. I.D.Kalwani A.W.-2 testified that permanent disability caused due to the accident was 45%. Appellant-claimant was aged 9 years on the date of occurrence i.e. 23-12-1991 and was deaf & dumb. The learned Motor Accident Claims Tribunal awarded a sum of Rs.1,24,000/- as compensation, the break-up of which is as follows:-

(1)	Expenses incurred during treatment -	Rs. 4,000/-
(2)	Expenses incurred towards attendant-	Rs. 1,000/-
(3)	Expenses incurred toward special diet-	Rs. 1,000/-
(4)	Expenses incurred towards treatment-	Rs. 1,000/-
(5)	Expenses incurred towards transport-	Rs. 2,000/-
(6)	Towards loss of earning capacity	Rs. 90,000/-
(7)	Towards pain & suffering -	Rs. 5,000/-
(8)	Towards loss of Comforts of life-	Rs. 20,000/-
	TOTAL	**Rs. 1,24,000/-**

Shri Gautam Khetrapal, learned counsel for the appellant has admitted that medical evidence was not led by the claimant before the learned Motor Accident Claims Tribunal and urged for enhancement of compensation awarded

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(16)

मामला क्रमांक M.A.(C) No. 152/ **सन् 200-7**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	by the learned M.A.C.T. only on the ground that the marriage prospects of the appellant-claimant were also affected due to the accident which fact was not taken into consideration. I am of considered opinion that the compensation awarded by the learned M.A.C.T. is just and reasonable compensation in the facts and circumstances mentioned above and does not call for any interference in this appeal. In the result, the appeal being devoid of merit is dismissed at the stage of admission. No order as to costs. **Sd/-** **Dilip Raosaheb Deshmukh** **Judge**	
Tumane		